



**Medical Quality Assurance Commission
May 23, 2008
Business Meeting Minutes**

Medical Commission Members

Richard Brantner, MD
Athalia Clower, PA-C
Frederick Dore, MD
William Gotthold, MD
Ellen Harder, PA-C
Frank Hensley, Public Member
Judith Page, Public Member- Absent
Linda Ruiz, Public Member
Anjan Sen, MD
Cabell Tennis, Chair - Absent

Les Burger, MD – 2nd Vice-Chair
Bruce Cullen, MD
Theresa Elders, Public Member
Thomas Green, MD
Susan Harvey, MD
Hampton Irwin, MD
Anthony Robins, MD
Samuel Selinger, MD – 1st Vice-Chair
Judy Tobin, Public Member

Department of Health Staff

Blake Maresh, Executive Director
Maryella Jansen, Deputy Executive Director
Beverly Teeter, Program Manager
George Heye, MD, Medical Consultant
Erin Obenland, Disciplinary Manager
Jim McLaughlin, Staff Attorney
Peter Harris, Staff Attorney

Joe Mihelich, Program Representative
Dani Newman, Compliance Officer
Mike Weisman, Staff Attorney
Cindy Hamilton, Compliance Officer
Mike Farrell, Staff Attorney
Larry Berg, Staff Attorney

Others in Attendance

Melissa Burke-Cain, AAG
John Arveson, WSMA

BUSINESS MEETING

CALL TO ORDER

Commission 1st-Vice Chair Samuel Selinger, MD called the meeting of Washington State Medical Quality Assurance Commission to order at 8:00 a.m. on May 23, 2008, at the Radisson Hotel Gateway at 18118 International Boulevard, Seattle, WA.

1.0 CONSENT AGENDA

The Consent agenda contained the following items for approval:

- 1.1** Agenda for May 23, 2008
- 1.2** Minutes from April 11, 2008, business meeting
- 1.3** Ratification of the licenses issued to Physicians, Limited Physicians and Physician Assistants between April 10, 2008 – May 22, 2008

EXECUTIVE SESSION

The Commission went into executive session at 8:10 a.m. to discuss personnel and legal issues with their Assistant Attorney General. The Commission reconvened at 8:47 a.m.

2.0 COMMITTEE REPORTS
PUBLIC POLICY COMMITTEE

- 2.1 Compliance Policy Revisions – MD 2008-02**
Beverly Teeter, Program Manager reported on the Policy Committee's recommendation to adopt the proposed Compliance Policy revisions. These update the process for people on compliance with Commission Orders. She said this revised policy had been reviewed by the Department of Health before adoption.

MOTION

The Chair entertained a motion to adopt the revisions to the Compliance Policy MD 2008-02. The motion was seconded and approved

- 2.2 Proposed Policy Revisions to “Treating Partners of Patients with Sexually Transmitted Chlamydia and Gonorrhea” MD 2008-03**
Ms. Teeter reported the Policy Committee's recommendation to adopt proposed revisions to the policy on “Treating Partners of Patients with Sexually Transmitted Chlamydia and Gonorrhea.” The revisions added specific protocols for public health departments to consider in treating patients with sexually transmitted disease when the partner is reluctant to see a health care provider. She reported this policy had been shared with the Board of Pharmacy and the Department of Health prior to its adoption.

MOTION

The Chair entertained a motion to adopt the revisions to the policy on “Treating Partners with Sexually Transmitted Chlamydia and Gonorrhea” --MD 2008-03. The motion was seconded and approved.

2.3 Respiratory Care Practitioner Program Seeks Clarification

Ms. Teeter reported on the Policy Committee's recommendation in response to a request from the Respiratory Care Practitioner (RCP) Program. The program asked for clarification on what a RCP can do in Extra Corporeal Membrane Oxygenation (ECMO) when using the heart lung machine. The Commission considered a memorandum prepared by the Osteopathic Board on the same subject.

The Commission stated that it is within the scope of practice for a respiratory care practitioner to administer medications needed to operate the Extra Corporeal Membrane Oxygenation (ECMO). These include heparin and nebulized morphine for increased oxygenation. However, it is not appropriate for the RCP to achieve the state of sedation through the use of ECMO. In addition, pharmacological agents must be prescribed and supervised by a physician. The medications should not be administered by the RCP. The RCP may monitor the ventilator after medications have been administered. The RCPs do not have the pharmacological training to administer medications that are not directly related to the operation of this machine.

MOTION

The Chair entertained a motion to approve the above language and forward to the Respiratory Care Practitioner Program. The motion was seconded and approved.

2.4 Non-Surgical Medical Cosmetic Procedures Draft Rules Update

Dr. Selinger reported on the progress of the Non-Surgical Medical Cosmetic Procedure draft rules. He updated the Commission on the rules. He also reported that another revision of the draft rules will be sent out to the public for comments within the next few weeks.

2.5 Interpretive Statement Request

Ms. Harder reported on the Policy Committee's recommendation to defer the request to the Assistant Attorney General. She asked the AAG to report back on whether or not it is considered the practice of medicine if an individual performs or participates in tattooing, scarification, piercing, implantation, tongue splitting, branding or suspension hooks, and whether or not these individuals are considered practicing medicine without a license.

2.6 Medical Agency Directors "Opioid Dosing Guidelines"

Ms. Harder reported that the Policy Committee has deferred the decision on whether or not to support or endorse the "Opioid Dosing Guidelines" created by the Agency Medical Directors Group. She reported that the Federation of State Medical Boards has recently published the

“Responsible Opioid Prescribing – A Physician’s Guide” by Scott M. Fishman, MD on the same topic. She also reported that the FSMB will prepare a grant to provide funding for a mailing of this publication to all physician and physician assistants licensed in the state.

2.7 Office –Based Surgery Rules Update

Michael Farrell, J.D., Staff Attorney, reported on the Policy Committee’s recommendation to send out the first draft to the public on the Office-Based Surgery rules. He briefly updated the Commission on some previously requested minor changes.

3.0 REPORTS

3.1 Finance – Les Burger, MD

Dr. Burger reported having weekly meetings. He stated that there will be other meetings with the Department’s Budget Manager to assist in the development of the upcoming biennium decision package that creates the allotment and spending authority for the Commission for 2009-2011. Dr. Burger stated the budget must be submitted to DOH by August 1, 2008 and to be forwarded unchanged to the Office of Financial Management by September 1, 2008.

3.2 Joint Operating Agreement- Frank Hensley, Public Member

Frank Hensley, Public Member reported on the task group meeting. He stated there is a recommendation to consider the draft document shared at the last meeting to be a Memorandum of Understanding until the Executive Director has been hired and negotiates the Joint Operating Agreement.

3.3 Sanction Guidelines Committee – Judy Tobin, Public Member

Judy Tobin, Public Member reported on the task group’s work and shared the current draft of the sanction guidelines grid for cases that fall below the standard of care. She stated that the Commission’s draft grid has been shared with other boards and commissions. Ms. Tobin reported the first meeting with all the other board and commissions will be held on June 16, 2008 to begin the collaborative work to create a uniform sanction schedule. Dr. Selinger stated that William Gotthold, MD will represent the Commission.

MOTION

The Chair entertained a motion to approve the recommendations by the Sanctions Guideline task group and support Dr. Gotthold to represent the Commission in the DOH uniform sanction schedule workgroup. The motion was seconded and approved.

4.0 OTHER BUSINESS

4.1 Delegation to Executive Leadership or Executive Committee

Dr. Selinger reported on a need for delegation by the full Commission to the Executive Committee and their appointees to make business decisions on behalf of the Commission during the Pilot Project transition period. The delegation will include areas such as spending authority, hiring authority, negotiations of the memorandum of understanding, and or joint operating agreement, contracting, legislative decision package, and other items requiring rapid decisions.

MOTION

Dr. Selinger entertained a motion for the delegation by the Commission to the Executive Committee and their appointee to make business decisions on behalf of the Commission during the Pilot Project transition period. The motion was seconded and approved.

4.2 Report on the directions from Governor's Office on the Pilot Project

Dr. Selinger reported on the meeting with the Christina Hulet, Governor's Office. He stated the Commission's pilot project will live or die on the following issues.

- Government Management, Accountability, and Performance (GMAP)
- Sanction Guidelines
- Washington Physicians Health Program (WPHP)

He reported that he has created a GMAP Committee and appointed Anthony Robins, MD, Frank Hensley, Public Member, and Michael Farrell, Staff Attorney to serve on the committee. He selected Dr. Robins as the chair. He also stated GMAP is a tool to understand the current data and to help plan, prioritize, and measure accountability and performance of State Agencies. He stated there will be a presentation at the workshop in August.

Dr. Selinger mentioned that Dr. Gotthold would represent the Commission to discuss the Sanction Guidelines with all professions. Dr. Selinger stated that all profession must agree upon uniform sanction guidelines by November.

Dr. Selinger stated that New York reports the statistics as those monitored by the board under the impaired physician program. He indicated that the statistics from clients of WPHP will greatly improve the overall statistics to the public on patient safety. He mentioned the Thursday presentation by Dr. Oreskovich, WPHP Director and the need to improve the program by

going to one integrated system, which deals with discipline, guidelines, and monitoring as a whole.

Dr. Selinger reported that the contract with WPHP expires on June 30, 2009. He stated there is a WPHP task group to work on those issues of the contract and reporting the statistics to the national data bases. He stated the members are Dr. Richard Brantner, Dr. Selinger, Ms. Teeter, Ms. Jansen and those representatives of WPHP and their Board of Directors.

4.3 Video Conferences

Mr. Farrell reported on the ability to use video conferencing as an option to face to face meetings. Video conferencing will reduce some travel costs. Mr. Farrell mentioned there are currently four sites that have video conferencing equipment. Mr. Farrell will send an email with the location of these sites.

4.4 Budget Report

Blake Maresh reported that CR-102 for the proposed fees increase was filed on Wednesday May 7 with a rules hearing scheduled for June 10, 2008. He stated there is a meeting with associations on May 23 regarding the fee increases. He stated the projected implementation date for the fee increase will be August 1, 2008.

Mr. Maresh reported on the Commission's request to begin rule making to change the renewal cycle to once a year, rather than every two years in order to be prepared for the on-line renewals and also to double the fee increase charge over a two year period. He stated it is not legally feasible for the Commission to collect additional revenue under I-960. He also mentioned that changing to an annual renewal cycle would require rule changes for continuing medical education requirements.

4.5 2006-2007 HPQA Disciplinary Orders Using Disciplinary Guidelines

Ms. Tobin reported that the Sanction Guideline Task Group reviewed the Health Professions Quality Assurance report and comments on cases of the Commission. She recommended Commission members review the comments to have an understanding what the public perception is when an Order does not clearly define the mitigating circumstances. She is hoping that the proposed draft sanctions guidelines will help the Commission stay within the guidelines.

4.6 Appointing an Acting Executive Director MOTION

The Chair entertained a motion to appoint Maryella Jansen as the Interim Executive Director beginning July 1, 2008. The motion was seconded and approved.

4.7 Workshop - August 27-29, 2008

Dr. Selinger reported that the transition team would be responsible for the workshop in August. He requested that there be a presentation of GMAP geared towards MQAC statistics and not combined with other professions.

4.8 Commissioner Recognition

Dr. Selinger reported that Commissioner Hampton Irwin, MD received the John H Clark award for his outstanding service on the Medical Commission over the past 12 years. He added that Dr. Irwin exemplifies what it means to make a difference to the Commission and to the medical profession.

4.9 Nominating Committee Report

Frederick Dore, MD reported on the current nominations for the July elections. The nominations for Chair, 1st Vice Chair, and 2nd Vice Chair are as follows:

Chair – Samuel Selinger, MD

1st Vice Chair – Les Burger, MD

2nd Vice Chair – Judy Tobin, Public Member

Dr. Dore mentioned the committee is still accepting nominations. Dr. Dore stated emails of nominations for any of the three positions could be sent to either Judy Page, Athalia Clower, PA-C or Frederick Dore, MD.

5.0 MEMBERS REPORTS
No Reports

6.0 STAFF REPORTS

6.1 Executive Director

Mr. Maresh reported on a survey for the boards, commissions, and committees to complete and provide feedback on this past fiscal year. The survey is an opportunity for members to give their thoughts on staff and the Department of Health. He stated the survey would be closed on May 30.

Mr. Maresh reported that the division was going forward with the reorganization. He indicated that the Customer Service Office and the Community Health Systems Office began on May 1. He stated the Legal Service Office, and Inspections and Investigations Office will begin on June 1 and the Health Professions and Facilities Office will begin on July 1, 2008.

Mr. Maresh reported that many professions received a request from Service Employees International Union for list and labels including Physicians. He stated the Secretary professions denied the request based on r purposes allowed by law. He stated his inclination is to deny the request; however, he asked the Commission their opinion. Dr. Selinger concurred with Mr. Maresh's recommendation to deny the request.

Mr. Maresh reported that he has submitted a legislative proposal for the Department of Health consideration related to disciplinary fines and cost recovery. He mentioned two specific proposals.

- To increase the limits, which have not been increased since 1993
- To allow cost recovery on orders, not just STIDs.

Mr. Maresh mentioned he has been in contact with his counterpart in Florida, a leading state in the area of cost recovery. He stated he would be receiving information both on language and on calculating cost recovery.

6.2 Deputy Executive Director

Maryella Jansen expressed her gratitude to the Commission on appointing her Interim Executive Director starting July 1. Ms. Jansen reported there are many elements to 4SHB1103 that need to be in place before the July 1, 2008 to include the transition of the Pilot Project for both Medical and Nursing Commissions. She stated one element is to hire a Project Manager Consultant that would be a liaison for both commissions. She stated this person would help with performance audit issues and with the Governor's Government Management, Accountability, and Performance (GMAP) measures. She requested to have a few Commissioners available for interview panels after June 9. Ellen Harder, PA-C, Frank Hensley, Public Member, and Les Burger, MD mentioned that they would be available to serve on this panel. Ms. Jansen also mentioned there was a provision in 4SHB1103 for co-location of the Commission's staff.

6.3 Assistant Attorney General

Melissa Burke-Cain reported that Mike Tribble, AAG will be taking her place at the July meeting.

6.4 Program Manager

Ms. Teeter reported the next two meetings will start on Wednesday at 8:00 a.m. for the transition team. She also indicated she will bring back the decision on annual renewals for further discussion at the October meeting.

6.5 Disciplinary Manager

No Report

6.6 Medical Consultant
No Report

7.0 ADJOURNMENT

The meeting adjourned at 9:45 a.m.

Submitted by

Joe Mihelich, Office Assistant III

Cabell Tennis, JD, Chair
Medical Quality Assurance Commission
Approved July 11, 2008